

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CALVIN ALEXANDER EWING,

Plaintiff,

vs.

LIZA LUZIACH, *et al.*,

Defendants.

Case No.: 2:22-cv-00543-GMN-BNW

ORDER

Plaintiff Calvin Ewing, who was in the custody of the Clark County Detention Center (“CCDC”),¹ has filed both a civil rights complaint pursuant to 42 U.S.C. § 1983, (ECF No. 1), and a petition for writ of habeas corpus under 28 U.S.C. § 2241, (ECF No. 5).

Plaintiff cannot pursue both § 1983 and habeas actions in the same case. *See Nettles v. Grounds*, 830 F.3d 922, 927 (9th Cir. 2016) (reiterating that “habeas is the exclusive vehicle for claims brought by state prisoners that fall within the core of habeas, and such claims may not be brought in a § 1983 action”). The cost to file a civil action in this Court is \$402, which includes the \$350 filing fee and the \$52 administrative fee. This amount is significantly higher than the fee to file a petition for a writ of habeas corpus, which is \$5 and has no administrative fee. Plaintiff paid the full \$402 filing fee to move forward with his § 1983 action. (ECF No. 4). To prevent Plaintiff from having to pay the larger \$402 filing fee a second time, the Court **DISMISSES** his petition for writ of habeas corpus without prejudice with leave to file as a separate habeas action.

¹ In his March 30, 2022, civil rights Complaint, Plaintiff’s listed address is the Clark County Detention Center. (Compl., ECF No. 1). Plaintiff is no longer listed in the CCDC inmate database.

1 The Court additionally notes that it may not have Plaintiff's updated address. According
2 to the CCDC inmate database, Plaintiff is no longer at the address listed with the Court.
3 According to this Court's local rules, pro se parties are responsible for keeping their contact
4 information up to date. Nev. Loc. R. IA 3-1. "Failure to comply with this rule may result in the
5 dismissal of the action, entry of default judgment, or other sanctions as deemed appropriate by
6 the court." *Id.* Plaintiff shall have twenty-one (21) days from the date of entry of this order to
7 file his updated address with this Court. If Plaintiff does not update the Court with his current
8 address within twenty-one (21) days from the date of entry of this order, this case will be
9 subject to dismissal without prejudice.

10 Accordingly,

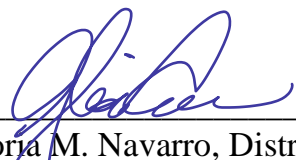
11 **IT IS HEREBY ORDERED** that Plaintiff's Petition for Writ of Habeas Corpus, (ECF
12 No. 5) is **DISMISSED without prejudice**.

13 **IT IS FURTHER ORDERED** that Plaintiff shall file his updated address with the
14 Court within twenty-one (21) days from the filing of this order.

15 **IT IS FURTHER ORDERED** that if Plaintiff fails to update his address with the Court,
16 this case will be subject to dismissal without prejudice.

17 **DATED** this 23 day of September, 2023.

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Gloria M. Navarro, District Judge
UNITED STATES DISTRICT COURT